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U.S. PATENT & TRADEMARK OFFICE  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 94,784-L)

PATENT

application of:

Serial No. 09/665,358

Filed: September 19, 2000

For: Novel Bacterial Hemoglobin Receptor  
Genes and Uses

Before the Examiner:  
R. Hayes

Group Art Unit: 1641

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION  
PURSUANT TO 37 C.F.R. 1.137(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicants respectfully request that the U.S. Patent and Trademark Office revive the above-referenced U.S. patent application, unintentionally abandoned for failure to properly respond to the Office Action mailed July 29, 2003. The entire delay in filing the required reply from the due date of the reply to until the filing of this petition was unintentional.

Applicants responded on January 29, 2004 to a Restriction Requirement mailed July 29, 2003 (Exhibit A). Applicants received a Notice of Abandonment mailed February 20, 2004 (Exhibit B), which was followed by a Notice that the abandonment had been withdrawn by the Office (Exhibit C). Applicants then received a Notice that their amendments were not in compliance with the requirements of the AIPA, mailed July 6, 2004 (Exhibit D), and a second Notice of Abandonment mailed September 9, 2004 (Exhibit E).

Applicants undersigned representative believed that the Notice of non-compliant amendment was duly filed prior to the deadline date (August 6, 2004), based on an electronic copy of the response prepared in the proper time frame (July 27, 2004), and that the second Notice of Abandonment would be rescinded as was the first. However, reverting the file

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Adjustment date: 02/15/2005 AKELLEY

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Applicants representative discovered that Applicants' copy of the response has gone astray and cannot be found after a diligent search. In addition, the return postcard sent with each response has not been received from the Patent Office.

Thus, Applicants respectfully petition the Patent and Trademark Office to revive this unintentionally-abandoned application. Applicants submit herewith a new version of their response.

By the signature of the undersigned the Patent and Trademark Office is authorized to charge Deposit Account 13-2490 for the full amount of the petition fee. Applicants qualify for Small Entity status.

If the Examiner in charge of this application believes it to be helpful, he is invited to contact Applicants' undersigned representative by telephone at (312) 913-0001.

Date: January 5, 2005

Respectfully submitted,  
McDonnell Boehnen Hulbert & Bergoff

By: \_\_\_\_\_

Kevin E. Noonan  
Reg. No. 35,303